



23rd Navajo Nation Council

MEMORANDUM

To : Manuel Rico, Senior Programs and Projects Specialist
OFFICE OF LEGISLATIVE SERVICES

From : 1-7-11
Tom Platero, Executive Director
OFFICE OF LEGISLATIVE SERVICES

Date : January 9, 2019

Subject : ***23rd Navajo Nation Council Expired Legislation***

Pursuant to 2 N.N.C. § 164 (A) (1), "The last day for consideration of resolutions shall be December 31st of the year immediately preceding the swearing in of the new Council", the following legislation need to be closed out and labeled as "expired":

NAVAJO NATION COUNCIL:

0399-17	0424-17	0098-18	0136-18
0183-18	0224-18	0328-18	0344-18
0356-18	0358-18	0367-18	0373-18
0385-18	0393-18	0404-18	0416-18
0422-18			

NAABIK'YATI' COMMITTEE:

0224-15	0361-16	0341-18	0406-18
0418-18	0427-18		

BUDGET AND FINANCE COMMITTEE:

0021-17	0392-17	0099-18	0261-18
0287-18	0398-18	0435-18	0436-18

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE:

0414-18	0419-18	0451-18
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LAW AND ORDER COMMITTEE:

0114-17	0031-18	0217-18	0307-18
0353-18	0360-18	0364-18	0437-18

RESOURCES AND DEVELOPMENT COMMITTEE:

0402-15	0104-16	0121-16	0183-16
0282-16	0296-16	0370-16	0384-16
0135-17	0176-17	0386-17	0400-17
0076-18	0395-18	0415-18	0443-18

Legislation need to be closed out as soon as possible. If you have any questions, please let me know.

CONCURRENCE:



Honorable LoRenzo C. Bates, Speaker
23rd Navajo Nation Council

COPIES: Pete K. Atcitty, Chief of Staff, Office of the Speaker
Ed McCool, Acting Chief Legislative Counsel, Office of Legislative Counsel
Files

LEGISLATIVE SUMMARY SHEET

Tracking No. 0121-14

DATE: April 11, 2016

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, REOURCES AND DEVELOPMENT; NAABIK'ÍYÁTI' COMMITTEES; OPPOSING HYDRAULIC FRACTURING WITHIN THE NAVAJO NATION

PURPOSE: This resolution if approved will establish that the Navajo Nation is opposed to the practice of hydraulic fracturing within the Navajo Nation.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed legislation in detail.

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 1:38pm 4/13/16
Posting End Date: 4/18/2016
Eligible for Action: 4/19/2016

Health, Education & Human Services Committee
THENCE
Resources & Development Committee
THENCE

Naa'bik'iyáti' Committee

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 23RD NAVAJO NATION COUNCIL—SECOND YEAR, 2016

3 INTRODUCED BY

4 
5

6 Primary Sponsor

7 TRACKING NO. 0121-16

8
9 AN ACTION

10 RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, REOURCES
11 AND DEVELOPMENT; NAABIK'ÍYÁTI' COMMITTEES; OPPOSING
12 HYDRAULIC FRACTURING WITHIN THE NAVAJO NATION
13

14 WHEREAS:

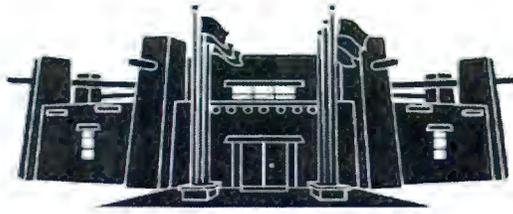
- 15 A. The Navajo Nation established the Health, Education and Human Services
16 Committee (HEHSC) as a standing committee of the Navajo Nation Council to
17 promulgate regulations and provide legislative oversight on matters involving
18 health; and to review and recommend resolutions relating to health and
19 environmental health. *See* 2 N.N.C. §§ 400 (C)(1); 401 (B)(6)(a) (2015).
- 20 B. The Navajo Nation established the Resources and Development Committee
21 (RDC) as a standing committee of the Navajo Nation Council to exercise
22 oversight authority over water, land, environment, and environmental protection;
23 and to promulgate rules and regulations governing environmental protection. *See*
24 2 N.N.C. §§ 500 (A); 500 (C); 501 (B)(1) (2015).
- 25 C. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation
26 Council standing committee and as such empowered Naabik'iyáti' Committee to
27 recommend resolutions to the Navajo Nation Council on matters within the
28 Committee's jurisdiction. 2 N.N.C. §§ 164 (A)(9), 700 (A), 701 (A)(1) (2015);
29 *see also* CO-45-12.
30

- 1 D. Hydraulic fracturing (hereinafter “fracking”) is the injection of fluid into shale
2 beds at high pressure in order to free up petroleum resources (such as oil or
3 natural gas); fracking creates tiny fissures in the rock deep beneath the earth
4 which then allows gas and oil to flow into the well. *See* Merriam-Webster,
5 Definition of Fracking (April 6, 2016, 10:10 AM), [http://www.merriam-
7 webster.com/dictionary/fracking](http://www.merriam-
6 webster.com/dictionary/fracking).
- 8 E. Currently, the United States has more than 500,000 active natural gas wells, each
9 well requires an average of 400 water tanker trucks to supply the site and takes
10 about one to eight million gallons of water to complete each well. *See* Linda
11 Dong, WHAT GOES IN AND OUT OF HYDRAULIC FRACTURING, (Apr.
12 11, 2016, 10:50 AM), <http://dangersoffracking.com>.
- 13 F. The fracturing site has water brought in and the water is mixed with sand and
14 chemicals to create the fracking fluid; the fracking fluid consist of 600 chemicals
15 including toxins such as lead, uranium, mercury, ethylene glycol, radium,
16 methanol, and formaldehyde; the fracturing fluid is then injected (10,000 feet)
17 into the ground through a drilled pipeline; and once the mixture reaches the end of
18 the well the high pressure causes the nearby shale rock to crack, creating fissures
19 where natural gas flows into the well. *See* Linda Dong, WHAT GOES IN AND
20 OUT OF HYDRAULIC FRACTURING, (Apr. 11, 2016, 10:50 AM),
21 <http://dangersoffracking.com>.
- 22 G. There are several potential reasons for considering fracking a few which include
23 economic benefits; reduction in air pollution and water use (as compared to other
24 fossil fuels); and switching from using coal for electricity to natural gas can
25 reduce sulfur, nitrogen, mercury and air pollution matter. *See* Robert B. Jackson,
26 et. al., THE ENVIRONMENTAL COSTS AND BENEFITS OF FRACKING
27 (2014).
- 28 H. There also various concerns such as: the water requirements for fracking; the well
29 integrity and fracturing induced stress to the land; risks to surface-water and
30 groundwater resources; induced earthquakes from fracking and the deep injection
of wastewater causing significantly higher-energy earthquakes; wastewater

1 disposal; surface spills; increase in volatile organic compounds; and locally the air
2 toxins are potential health threats. See Robert B. Jackson, et. al., THE
3 ENVIRONMENTAL COSTS AND BENEFITS OF FRACKING (2014).

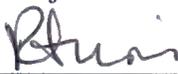
4
5 NOW THEREFORE, BE IT RESOLVED:

- 6 A. The Naabik'íyáti' Committee of the Navajo Nation Council hereby opposes the
7 practice of fracking within the Navajo Nation due to the potential environmental
8 and health risks associated with fracking.
- 9 B. The Naabik'íyáti' Committee hereby authorizes the Navajo Nation President, the
10 Navajo Nation Speaker, the Navajo Nation Chief Justice and their designees, to
11 oppose the practice of fracking within the Navajo Nation due to the potential
12 environmental and health risks associated with fracking.



MEMORANDUM

TO: Honorable Jonathan Hale
Navajo Nation Council

FROM: 
Rhonda L. Tuni
Office of Legislative Counsel

THRU: 
Levon Henry, Attorney
Office of Legislative Counsel

DATE: April 11, 2016

SUBJECT: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, REOURCES AND DEVELOPMENT; NAABIK'ÍYÁTI' COMMITTEES; OPPOSING HYDRAULIC FRACTURING WITHIN THE NAVAJO NATION

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0121-16_

SPONSOR: Jonathan L. Hale

TITLE: An Action Relating To Health, Education and Human Services, Resources and Development; NAABIK'IYATI' Committees; Opposing Hydraulic Fracturing Within The Navajo Nation

Date posted: April 13, 2016 at 1:38 PM

Digital comments may be e-mailed [to comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0121-16

SPONSOR: Honorable Jonathan L. Hale

TITLE: An Action Relating To Health, Education And Human Services, Resources And Development; Naabik'iyati' Committees; Opposing Hydraulic Fracturing Within The Navajo Nation.

Posted: April 13, 2016 at 1:38 PM

5 DAY Comment Period Ended: April 18, 2016

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing (1)	1. Louise Denetsosie, Chief Executive Officer; Navajo Nation Oil and Gas Company.
Inclusive Comments	<i>None</i>

1.7.11

**Executive Director
Office of Legislative Services**

04/19/2016 - 8:40 am

Date/Time

NNOGC Public Comments on Draft Navajo Nation Legislation No. 0121-16

Louis Denetsosie <ldenetsosie@nnogc.com>

MAILING LIST: NSN.PU

comments <comments@navajo-nsn.gov>;

...

2016-04-18 NNOGC comments on draft NN legis 0121-16.pdf;

Dear Sir or Madam,

Attached are the comments of the Navajo Nation Oil and Gas Company on draft Navajo Nation Legislation No. 0121-16 Opposing Hydraulic Fracturing within the Navajo Nation.

Please make available to the members of the Navajo Nation Council.



April 18, 2016

Honorable 23rd Navajo Nation Council Delegates

c/o Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Re: Comments of Navajo Nation Oil and Gas Company on Legislation No. 0121-16: An Action Relating To Health, Education and Human Services, Resources and Development; Naa'biki'yati Committees; Opposing Hydraulic Fracturing Within The Navajo Nation

Dear Honorable Delegates:

As a wholly owned entity of the Navajo Nation government that holds significant oil and gas assets of the Navajo Nation in the Navajo public trust, the Navajo Nation Oil and Gas Company ("NNOGC") appreciates this opportunity to provide comments on the above captioned legislation. As expressed in the mission statement of NNOGC, respect for the environment and minimizing and mitigating negative impacts to the environment from the extraction of oil and gas from *Dinétaah*, consistent with Navajo values and teachings, is of paramount importance in NNOGC carrying out its obligations on behalf the Navajo Nation and Navajo people to maximize the value of the Nation's oil and gas resources for current and future generations of Navajo citizens.¹ For that reason, I write to convey the serious concern of NNOGC and its Board of Directors in regard to the above captioned proposed Legislation No. 0121-16 to oppose hydraulic fracturing ("fracking") within the Navajo Nation ("Legislation No. 0121-16").

Legislation No. 0121-16 is not based in sound science, is not in the Navajo Nation's best interest, and is inconsistent with the Navajo Nation's Energy Policy Act of 2013, Navajo Nation Council Resolution No. CO-50-13 (Oct. 24, 2013) ("2013 Energy Policy"). Legislation No. 0121-16 would also purport to have standing committees of the Navajo Nation Council make policy statements on behalf of the Nation, an authority reserved to the Council under Title 2 that has never been delegated to the standing committees. It would also purport to "authorize" the Chief Justice, the leader of the Judicial Branch, to take a political position on legal matters that may come before it. That is wholly inappropriate and a violation of the separation of powers doctrine under Navajo Fundamental Law. For these reasons, and others, the standing committees of the 23rd Navajo Nation Council should *reject* and *not pass* proposed Legislation No. 0121-16.

¹ NNOGC's mission statement is to "Maximize resources for the benefit of the Navajo Nation with respect for Mother Earth."

Legislation No. 0121-16 Violates Separation of Powers

Legislation No. 0121-16 violates the doctrine of separation of powers under Navajo Fundamental Law, and, if passed, would therefore be invalid. "Separation of functions is a concept that is so deeply-rooted in Navajo culture that it is accepted without questions. It is essential to maintaining balance and harmony . . . [i]f one branch oversteps its powers, and infringes on the role of another branch, the integrity of the government is ruined." *Tuba City Judicial Dist. v. Sloan*, 8 Nav. R. 159, 167-68 (Nav. Sup. Ct. 2001). "One of the basic tenets which derives from the doctrine of separation of powers is judicial independence. The judiciary's function is to render judgments and to enforce its judgments and orders. No other branch or office of the government may legally interfere with the judiciary's duty to render judgments and enforce judgments in any way. Likewise, no other branch, office, or entity of the government may influence a court with the intent of altering its decision. Outcomes of cases that are before the courts must be free of any form of political influence." *Id.* at 168. Here, Legislation No. 0121-16 would purportedly "authorize[] . . . the Navajo Nation Chief Justice . . . to oppose the practice of fracking with the Navajo Nation due to the potential environmental and health risks associated with fracking." That is a violation of the doctrine of separation of powers and would subject the legislation to being invalidated by the Navajo Nation courts.

Legislation No. 0121-16 Violates Title 2

Legislation No. 0121-16 also violates Title 2, because it would purport to give policy making authority to standing committees of the Navajo Nation Council without final Council approval. See Legislation No. 0121-16 (titled "Relating To *Health, Education and Human Services, Resources and Development; Naa'biki'yati Committees;*" not the Navajo Nation Council). However, 2 N.N.C. § 164(A) provides that "[s]tatements of policy . . . must be reviewed and approved by resolution by the appropriate standing committee(s) and the Navajo Nation Council . . ." 2 N.N.C. § 164(A) (emphases added). Because Legislation No. 0121-16 is not assigned to the Navajo Nation Council, and only the standing committees, if passed by the committees, it would be either of no legal effect under Title 2, or subject to being invalidated by the Navajo Nation courts.

Legislation No. 0121-16 Conflicts with the Nation's 2013 Energy Policy, Which Is In Harmony with the Federal Approach to Fracking

Legislation No. 0121-16 conflicts with the 2013 Energy Policy. As the Navajo Nation Council explained in the 2013 Energy Policy:

Energy forms a cornerstone of the Navajo economy by providing jobs for our people, electricity for our homes and businesses, and revenues for our local and central government. Developing energy resources will expand government revenues, create new industries and promote sustainable jobs for the *Diné*. This economic base provides opportunities for Navajos to pursue technical and managerial careers in many energy-related product, service and supporting industries. The ability for Navajos to build stable careers while remaining close

to their families will build the strength of our families and communities that have been fragmented by the need of our people to find work in metropolitan centers. A growing Navajo economy draws educated and experienced tribal members back to the nation, and provide[s] the economic growth to support Navajo entrepreneurs and business owners.

2013 Energy Policy Act, Section 1(j). The 2013 Energy Policy is positive Navajo law and represents a consensus reached after many years of discussion among the Nation's leaders. Those leaders concluded that *maximizing* development of traditional fossil fuels, including oil and gas, and coal, and renewable resources, including wind and solar, all of which the Navajo Nation is richly blessed with, in harmony with Navajo environmental values and traditional teachings, is what is best for the Nation's future. Natural gas, including Helium—for which the Navajo Nation may have some of the richest reserves in the United States—is a key component of the Navajo Nation's energy portfolio. The responsible development of natural gas and other fossil fuels will provide environmental benefits and critical economic and energy security for the Navajo Nation and Navajo citizenry. Simply banning fracking does not balance these vital interests, and would minimize development of significant natural gas (and oil) resources. Such a ban would not be in the short or long term best interests of the Nation, and is contrary to the 2013 Energy Policy balancing these important interests.

The Nation's balanced approach to energy development in the 2013 Energy Policy is also consistent with the findings and approach of the federal government. The United States Environmental Protection Agency ("USEPA") has explained that "[n]atural gas plays a key role in our nation's clean energy future. The U.S. has vast reserves of natural gas that are commercially viable as a result of advances in horizontal drilling and hydraulic fracturing technologies enabling greater access to gas in shale formations. Responsible development of America's shale gas resources offers important economic, energy security, and environmental benefits."²

Legislation No. 0121-16 Has Insufficient Findings Not Based In Sound Science

Legislation No. 0121-16 is not based in sound science and makes no legitimate findings to support opposition to hydraulic fracturing. Legislation No. 0121-16 relies principally on statements purportedly made by a "Linda Dong" on an otherwise anonymous website ("What Goes In and Out of Hydraulic Fracturing," *available at* <http://dangersoffracking.com>.) See Legislation No. 0121-16, Recital Clause (E) and (F). From what NNOGC can tell, Linda Dong is not a scientist, and is, in fact, just the website designer, relying on other sources' websites for information. See *id.*; see also <http://www.lindadong.com/>. Brief, bare and unsupported statements are insufficient as legislative findings. See *Nelson v. Initiative Comm. to Reduce the Navajo Nation Council*, No. SC-CV-03-10, slip op. at 7 (Nav. Sup. Ct. Jan. 4, 2011); *Office of*

² USEPA, Natural Gas Extraction - Hydraulic Fracturing, *available at*: <https://www.epa.gov/hydraulicfracturing>.

the President and Vice President v. Navajo Nation Council, No. SC-CV-02-10, slip op. at 14 (Nav. Sup. Ct. May 28, 2010) (“It is the settled expectation of the People that government actions must be explained. Without specific findings, the purpose of any government action will be questioned.”)

Indeed, the most recent scientific studies of hydraulic fracturing are to the contrary. For example, in a draft assessment of impacts of hydraulic fracturing on drinking water, now out for peer review, USEPA concludes that there have not been widespread or systemic impacts on drinking water resources as a result of fracking, and that the number of identified cases is small compared to the number of hydraulically fractured wells.³ That comports with studies done by Yale University⁴ and Colorado State University (CSU)⁵ for two different centers of drilling, the first in northeastern Pennsylvania and the second in northeastern Colorado. The Yale-led study found “no evidence that trace contamination of organic compounds in drinking water wells near the Marcellus Shale” resulted from underground migration of the chemicals. *See* n. 4. When the researchers did find “low levels of organic compounds” near a natural gas well, it was caused by “surface releases,” *e.g.*, by above ground activities that can be mitigated or prevented. *Id.* The CSU study found “no evidence of water-based contaminants seeping into drinking water.” *See* n. 5. Researchers did detect non-toxic methane seepage in 2 percent of the wells, but concluded that it likely stemmed from “compromised well casings,” *i.e.*, from aging of the casings, not from fracturing technologies. *Id.* CSU stated that “[w]ith regard to the really bad stuff – the bariums, chromiums and other soluble contaminants that people have been worried about getting into their water – [the study] team didn’t find any.” *Id.*

Conclusion

Developing the Nation’s natural resources in harmony with Navajo environmental values and traditional teachings is very important. However, Legislation No. 0121-16 is not based in sound science, is not in the Navajo Nation’s best interest, and is inconsistent with the 2013 Energy Policy, as it would not maximize the value of the Nation’s resources consistent with Navajo environmental values. Legislation No. 0121-16 would have standing committees of the Navajo Nation Council make policy statements, an authority reserved to the Council under Title 2 that has never been delegated to the standing committees. It would also purport to authorize

³ USEPA, Assessment of the Potential Impacts of Hydraulic Fracturing for Oil and Gas on Drinking Water Resources (External Review Draft), *available at* <https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=244651>.

⁴ Elevated Levels of Diesel Range Organic Compounds in Groundwater near Marcellus Gas Operations Are Derived from Surface Activities, Brian D. Drollette, et al., *available at* <http://www.pnas.org/content/112/43/13184.abstract>.

⁵ *See* Colorado State University Press Release, “No water-based contaminants found in Colorado wells,” *available at* <http://source.colostate.edu/study-no-water-based-contaminants-found-in-colorado-wells/> (the studies were published in *Environmental Science and Technology*, and in *Water Research*).

the Chief Justice to take a political position on legal matters that may come before it, which is a violation of the separation of powers doctrine under Navajo Fundamental Law, and the Court's ethical responsibilities. For these reasons, NNOGC strongly urges the standing committees of the 23rd Navajo Nation Council to reject and not pass proposed Legislation No. 0121-16.

Thank you for consideration of NNOGC's comments. If you have any questions, please call me at 928-871-4880.

Sincerely,

NAVAJO NATION OIL AND GAS COMPANY



Louis Denetsosie, Chief Executive Officer

c: The Honorable LoRenzo Bates
Speaker, 23rd Navajo Nation Council

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0121-16

SPONSOR: Honorable Jonathan L. Hale

TITLE: An Action Relating To Health, Education And Human Services, Resources And Development; Naabik'iyati' Committees; Opposing Hydraulic Fracturing Within The Navajo Nation.

Posted: April 13, 2016 at 1:38 PM

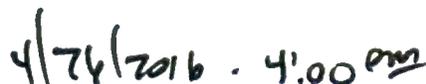
5 DAY Comment Period Ended: April 18, 2016

Digital Comments received:

Comments Supporting (2)	<ol style="list-style-type: none"> 1. Rechanda Lee 2. Ojo Encino Chapter 3. Cheyenne Antonio
Comments Opposing	
Inclusive Comments	<i>None</i>



Executive Director
Office of Legislative Services



Date/Time

Legislation 0121-16 comments

Rechanda Lee <bluelizard_rll@yahoo.com>

Wed 4/20/2016 8:56 AM

To: comments <comments@navajo-nsn.gov>;

1 attachment

Legislation0121-16Letter.pdf;

Hello,

See attached for Legislation 0121-16 comments.

Thanks
R. Lee

April 18, 2016

Executive Director Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515

To Whom It May Concern,

As a community member who has been directly impacted by the development of oil and gas (fracking) I support Legislation 0121-16. There has been a lot of oil and gas activity in my community and we have witnessed complete instability, human rights and environmental injustices, as well as the desecration and disturbance of sacred areas and traditional cultural sites (archaeological sites). It's a shame that our community has to continuously fight for the health and safety of our people as oil and gas development moves into the surrounding vicinity of our communities.

Although this legislation only supports the banning of fracking on the Navajo Nation, I hope that the Navajo Nation will express concern for lands leased directly next to Navajo communities. The checkboard area in Eastern Agency is dealing with the encroachment and invasion of oil and gas development and as a result we are already feeling the impacts. I challenge the Navajo Nation Council and President's Office to help its people on the Eastern Reservation who are being impacted by oil and gas development. Some of the local chapters (Counselor, Nageezi, Huerfano, Ojo Encino) have been battling BLM and energy companies for some time now and I think it's probably time that the Nation provides its people with help both on and off reservation.

There has been much research on the impacts of oil and gas development in other areas across the United States, and from these scientific findings we are learning about the negative footprint that oil and gas imprints on the land. We as a community are concerned with the health and safety of our people and we shouldn't have to continuously fight for the ability to have clean air and clean water. We should also not have to worry about the invasion on our cultural practices, as oil locations impact sound and visual quality which effect early morning prayers, night observances, and other cultural practices.

I am deeply concerned for the health and well-being of the people within my community who are being directly impacted by oil and gas development. We have to deal with heavy traffic which becomes a huge safety concern especially during times of inclement weather. We now have to deal with social, environmental, and cultural issues that oil and gas development has brought upon our community. We are at the fringe of seeing more instability and I hope the Navajo Nation provides us with direction and help!

Best Regard,
R. Lee
Navajo Community Member
PO Box
Nageezi, Navajo Nation [NM] 87037

**OJO ENCINO CHAPTER
HCR 79 BOX 1500
OJO ENCINO, NM 87013
PHONE (505)731-2263 OR (505)731-2262; FAX (505)731-1516
EMAIL: www.ojoencino@navajochapters.org**

FAX TRANSMITTAL FORM

TO: COMMENTS
PHONE NUMBER:
FAX NUMBER: (928) 871-7259
CC:

FROM: GEORGE WERITO
DATE: 4/18/16
NUMBER OF PAGES: 11
INCLUDING COVER SHEET

MESSAGE:

WE WOULD LIKE TO COMMENT ON LEGISLATION No: 0121-16
OPPOSING HYDRAULIC FRACTURING WITHIN THE NAVAJO NATION



OJO ENCINO CHAPTER
 HCR 79 BOX 1500, OJO ENCINO, NEW MEXICO 87013
 PHONE (505)731-2263 or 731-2262 FAX (505)731-1516
 EMAIL: ojoencino@navajochapters.org

This letter is in support of the proposed legislation 0121-16. The Ojo Encino Chapter has passed a resolution supporting a Hydraulic Fracturing moratorium in the Eastern Agency. In addition, this led to the Eastern Navajo Agency Council passing a resolution requesting a hydraulic fracturing moratorium to the BLM Farmington Field Office.

It is time for the Navajo Nation to lead into the future a new way of being based on our cultural ways and norms. When we have forgotten our cultural ways, we have suffered. This is an opportunity for our Nation to provide an example for the rest of the world on how to build a better future.

Multiple states in the USA have banned hydraulic fracturing and many municipalities and counties in the USA have banned it as well. Multiple countries have banned the practice of hydraulic fracturing. If the Navajo Nation passes a ban on hydraulic fracturing it will be in good company, and will ensure that we are ahead of the curve instead of clinging to older ways that were never in line with our cultural systems.

A great deal of scientific data shows the many probable negative impacts of hydraulic fracturing on people, communities, and the environment. This information along with the negative impacts upon communities in the Eastern areas of the Navajo Nation, should inform council delegates on their vote regarding this legislation.

We should not allow fear to prevent us from making the right decision. We should not allow fear to prevent us from protecting our people. We should not allow fear to prevent us from protecting our communities. We should not allow fear to prevent us from protecting our Nation. We should not allow fear to prevent us from protecting the Earth.

Fear and Avarice are monsters which are likely to permeate the decisions made by leaders regarding this legislation. We must defeat Fear and Avarice, and build a new future for our Nation. We must create a future based on our relationship with our lands. We must build a future that prioritizes the health, safety, and welfare of our communities.

Vote for legislation 0121-16 and start building a new and strong future for the Navajo Nation.


 George Werito

4/18/2016
 Date

Ojo Encino Chapter President

Attachment A: Ojo Encino ENAC Hydraulic Fracturing moratorium support resolution
 Attachment B: Ojo Encino Sandoval County County Moratorium Support Resolution
 Attachment C: Eastern Navajo Agency Council Hydraulic Fracturing moratorium request resolution

George Werito Jr., Chapter President
 Jeanette Vice, Chapter Vice President
 Brandon Sam, Chapter Secretary/Treasurer

Gloria Chiquito, Chapter Manager
 Leonard Tsosie, Council Delegate
 Elizabeth Stoney, Land Board Member

Ojo Encino Chapter
Legislation 0121-16 Comment

Attachment A

Ojo Encino ENAC Moratorium Support Resolution



OJO ENCINO CHAPTER
HCR 79 BOX 1500, OJO ENCINO, NEW MEXICO 87013
PHONE (505)731-2263 or 731-2262 FAX (505)731-1516
EMAIL: ojoencino@navajochapters.org

Resolution of the Ojo Encino Chapter
of the Navajo Nation
Resolution No. OJOE 12-06-13/002

This resolution is in support of the proposed Eastern Navajo Agency Council ("ENAC") resolution which provides for a one year (extendable to two years) moratorium on hydraulically fractured horizontal drilling activities in the mancos/gallup formation that takes place on tribal trust lands, Navajo allotments, BLM lands, and state lands within the boundaries of the Navajo Nation and Navajo chapters. This moratorium will be put in place to protect tribal health, safety, cultural properties, and assets since they have not been adequately considered by the BLM. Since the Federal-Tribal trust relationship requires the BLM to account for impacts on tribal health, safety, cultural properties, and assets the ENAC is bringing this moratorium about to provide time for the BLM, other responsible federal entities, Navajo Nation, and Navajo chapters to understand the potential impacts and ways to mitigate any negative impacts.

WHEREAS, the to be proposed moratorium resolution by the ENAC should have full effect. Each chapter quorum should also approve and provide support for the moratorium as well.

WHEREAS, the BLM has insufficiently provided analysis on potential impacts on tribal health, safety, and assets by hydraulically fractured horizontal wells in the mancos/gallup formation. The potential negative impacts are great enough to warrant a moratorium to formulate mitigation strategies to reduce negative impacts.

NOW, THEREFORE, be it resolved that the Ojo Encino chapter quorum at a duly called meeting supports the proposed ENAC moratorium resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was considered by the Members of the Ojo Encino Chapter at a duly called meeting at the Chapter House at which a quorum was present, and that the same was passed by vote of in favor, opposed, and abstaining, this 06 day of December, 2013.

Motion: OIser Juan

Second: Mervin Martinez

George Werito, Chapter President
Ojo Encino Chapter of the Navajo Nation

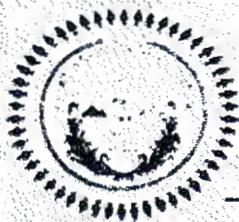
George Werito, Chapter President
Jeanette Vice, Chapter Vice President
Brandon Sam, Chapter Secretary/Treasurer

Gloria Chiquito, Chapter Manager
Leonard Tsosie, Council Delegate
Elizabeth Stoney, Land Board Member

Ojo Encino Chapter
Legislation 0121-16 Comment

Attachment B

Ojo Encino Sandoval County Moratorium Support Resolution



OJO ENCINO CHAPTER
HCR 79 BOX 1500, OJO ENCINO, NEW MEXICO 87013
PHONE (505)731-2263 or 731-2262 FAX (505)731-1516
EMAIL: ojoencino@navajochapters.org

RESOLUTION OF THE OJO ENCINO CHAPTER
OF THE NAVAJO NATION
RESOLUTION#OJOE-04-07-16/005

Resolution of Support for the Town of Bernalillo Resolution #03/28/16 and the
Village of Corrales Resolution #16-11

WHEREAS,

1. The Ojo Encino Chapter (the "Chapter") is a political subdivision of the Navajo Nation under 11 N.N.C. § 10 and a local governance certified chapter pursuant to 26 N.N.C. § 102, and the Chapter is responsible for the health, safety, and welfare of its local residents and for stewardship of its Chapter lands and resources; and
2. The Chapter has an interest in the impacts of oil and gas development on its residents and members; and
3. The Chapter has members and residents who also are voters of Sandoval County; and
4. The Chapter fully supports planning efforts by Sandoval County in regards to Oil and Gas development;

NOW THEREFORE BE IT RESOLVED THAT

1. The Chapter would like to express its support of resolutions by the Town of Bernalillo (Resolution # 03/28/16: Exhibit A) and Village of Corrales (Resolution # 16-11: Exhibit B).

CERTIFICATION

I hereby certify that the foregoing resolution was considered by the Members of the Ojo Encino Chapter at a duly called meeting at the Ojo Encino Chapter House at which a quorum was present, and that the same was passed by vote of 10 approving, 0 opposed, and 5 abstaining, this 7th day of April, 2016.

Motioned by: Leonard Werito

Seconded by: Reuben Jake

George Werito, Chapter President

George Werito Jr., Chapter President
Jeanette Vice, Chapter Vice President
Brandon Sam, Chapter Secretary/Treasurer

Gloria Chiquito, Chapter Manager
Leonard Tsosie, Council Delegate
Elizabeth Stoney, Land Board Member

Ojo Encino Chapter
Legislation 0121-16 Comment

Attachment C

Eastern Navajo Agency Council Moratorium Request Resolution



EASTERN NAVAJO AGENCY COUNCIL
THE NAVAJO NATION
P.O. Box 668
Crownpoint, New Mexico 87313
Phone: (505) 786-2090
Fax: (505) 786-2097

Ben Shelly, President

Ervin Chavez
President

Johnny Johnson
Vice-President

Rex Lee Jim, Vice-President

Femie Yazzie
Secretary/Treasurer

Resolution No. ENAC 12-2013-03

Resolution of the Eastern Navajo Agency Council
of the Navajo Nation

ESTABLISHING A TWELVE (12) MORATORIUM ON NEW HYDRAULIC FRACTURING ACTIVITIES
UTILIZING HORIZONTAL DRILLING IN THE MANCOS/GALLUP FORMATIONS FOR BOTH
DEVELOPMENT AND EXPLORATION PURPOSES, WITHIN THE EASTERN AGENCY,
CHECKERBOARD AREA OF THE NAVAJO NATION, TO ALLOW TIME FOR CHAPTER
COMMUNITIES TO UNDERSTAND POTENTIAL IMPACTS ON HEALTH, SAFETY, THE IMPACTS
ON CHAPTER LAND USE PLANS/ASSETS AND THAT A GRADUATED RESPONSIBLE
DEVELOPMENT PLAN CAN BE PUT IN PLACE, THAT THIS MORATORIUM BE ACCOMPLISHED
WITHIN 12 MONTHS, EXTENDABLE IN 90 DAYS INCREMENTS UP TO FOUR TIMES, FOR A
TOTAL PERIOD NOT TO EXCEED 24 MONTHS.

WHEREAS, the Eastern Navajo Agency Council ("ENAC") is a governmental entity comprised of
officials from all Eastern Navajo Agency Chapters.

WHEREAS, the ENAC, comprised of Eastern Agency chapter officials, has concerns about the
protection of tribal health, safety, and assets of Navajo residents of the Eastern agency in relation to
increased hydraulic fracturing exploration and development activity occurring within the
Mancos/Gallup formation.

WHEREAS, the ENAC feels that the Federal-Tribal trust relationship has not been fully upheld by the
BLM in the areas of the Navajo checkerboard. This trust relationship is very important for ensuring that
tribal health and safety are protected and that tribal assets are protected from negative impacts.
Currently, BLM field Office RMPs do not appear to protect these aspects of the Federal-Tribal
relationship as outlined in Intergovernmental Relations Part 512 Chapter 2, Secretarial Order No. 3215,
and H-1601-1 - Land Use Planning Handbook.

WHEREAS, Counselor Chapter (member of the ENAC) was part of a 2010 settlement with the BLM in
regards to the 2003 Farmington Field Office Resource Management Plan which requires BLM to

ENAC RESOLUTION 12-2013-3**PAGE 2 OF 4**

prepare geographic area National Environmental Policy Act documents to assess grouped wells and ancillary development (roads, pipelines, compressors, etc.) to determine significance of an action.

WHEREAS, BLM Farmington Field Office has now prepared approximately 50 Environmental Assessments for well pad projects in the Counselor area which now should be considered development rather than exploration requiring an Environmental Impact Statement

WHEREAS, BLM Farmington Field Office has inferred that a Resource Management Plan Amendment will be prepared for the Mancos Shale with a new Reasonably Foreseeable Development Scenario, Air Quality, and Water Quality documents which are needed to evaluate new and unique impacts associated with horizontal drilling and production requirements for shale oil in the region.

WHEREAS, the ENAC concludes that the BLM Farmington Field Office is not currently prepared for the types of development occurring in the Navajo checkerboard areas of the Eastern Agency. Namely, hydraulically fractured horizontal wells. This is evidenced from the office's own Reasonable Foreseeable Development ("RFD") which states: "Horizontal drilling is possible but not currently applied in the San Juan Basin due to poor cost to benefit ratio. If horizontal drilling should prove economically and technically feasible in the future, the next advancement in horizontal well technology could be drilling multi-laterals or hydraulic fracturing horizontal wells. Multilaterals could be one, two or branched laterals in a single formation or single laterals in different formations. Hydraulic fracturing could be a single fracture axial with the horizontal well or multiple fractures perpendicular to the horizontal well. These techniques are currently complex and costly, and therefore typically inappropriate for most onshore U.S. reservoirs. Comprehensive engineering and geologic research will be required in the near future in order for these techniques to become viable within the 20 year time frame anticipated by this RFD (8.3)".

WHEREAS, ENAC is also concerned about the impact on Tribal Cultural Properties ("TCPs") which may not currently be documented by Navajo Nation Historic Preservation Office and federal entities. Many TCPs are better identified by chapter level governments, but these governments need time and knowledge about identifying TCPs.

WHEREAS, due to the nature of horizontal drilling combined with hydraulic fracturing, new potential impacts to tribal health, safety, and assets have become obvious. Some of these impacts include the increased chances for well communication events, potential for drainage trespass on tribal assets, and increased need for water and effluent disposal (including injection wells). Many times these water supplies come from shallow water sources that border Navajo areas, impacting Navajo shallow water supplies which some Navajo residents use for subsistence purposes. Since the original RFD did not see this as a likely combination of technologies to be used, new assessments must be made by the BLM to account for these new impacts in order for the BLM to keep its part of the Federal-Tribal trust relationship.

ENAC RESOLUTION 12-2013-03
PAGE 3 OF 4

NOW, THEREFORE BE IT RESOLVE THAT:

The Eastern Navajo Agency Council (ENAC) made up thirty-on Navajo Chapters, in the Eastern Agency of the Navajo Nation, New Mexico, hereby demands establishing a twelve (12) moratorium on new hydraulic fracturing activities utilizing horizontal drilling in the Mancos/Gallup formations for both development and exploration purposes, within the Eastern Agency, Checkerboard Area of the Navajo Navajo to allow time for Navajo Chapter communities to understand potential impacts of health/safety, impacts on Chapter Land Use Plans/Assets and that a graduated responsible development plan be put in place, that this moratorium be accomplished within 12 months, extendable in 90 day increments up to four times for a total period not to exceed 24 months.

The Eastern Navajo Agency Council, hereby strongly demands the Bureau of Land Mangement establishes a moratorium in the following manner:

1. Declaration of a 12 month moratorium on all new horizontal hydraulic fracturing exploration and development activities in mancos/gallup formation on tribal trust lands, Navajo allotment lands, state lands, and BLM lands that are within the chapter boundaries. This moratorium may be extended by the ENAC no more than four times for 90 days each for a total moratorium time of no more than two years. This time is to be used to do the following:
 - a. Understand how horizontal hydraulic fracturing impacts Navajo Nation and Navajo chapter land use plans.
 - b. Understand how horizontal hydraulic fracturing impacts on various tribal trust assets.
 - c. Understand how horizontal hydraulic fracturing can impact tribal health and safety.
 - d. Chapters to inventory local tribal cultural properties to better inform the BLM of potential cultural site impacts.
 - e. Utilize new understanding for Navajo Nation and Navajo chapters to produce regulations and land use plan amendments to mitigate any potential negative impacts.

2.

ENAC RESOLUTION 12-2013-03

PAGE 4 OF 4

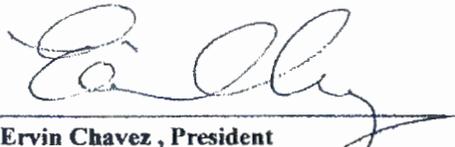
- f. To allow for a control neighborly-like development of resources requiring oil field employees and equipment operators to respect the land use rights of the Navajo people who live in the area
- 2 The BLM are responsible for working with Navajo chapters and the Navajo Nation to foster the elements outlined in section 1.. The Navajo Nation, Navajo Chapters, BLM, and other responsible entities must work together to resolve the concerns which have led to this resolution.
- 3 The ENAC, Navajo Chapters, and other Navajo Nation entities expect to be cooperating agencies in the preparation of new Resource Management Plan amendments and any new RFD updates/creations.
- 4. A representative shall be appointed to the Farmington Resource Advisory Council that will represent the positions/views of Navajo Chapters, particularly chapters in in the checkerboard region.

C E R T I F I C A T I O N

We hereby certify that the foregoing resolution was presented at duly called meeting of the Eastern Navajo Agency Council discussed and considered by the members of the Eastern Navajo Agency Council at the Iyanbito Chapter House, Navajo Nation (New Mexico) at which a quorum was present, and that the same was passed by vote of 50 in favor, 03 opposed, and 16 abstaining, this 07th day of December, 2013.

Motion: Clinton Jim (Standing Rock)

Second: Wilson Ray (Huerfano Chapter)



**Ervin Chavez , President
Eastern Navajo Agency Council, The Navajo Nation**

OPPOSITION

Cheyenne Antonio <canton11@unm.edu>

Tue 4/19/2016 11:59 PM

To:comments <comments@navajo-nsn.gov>;

TO:

Executive Director

Office of Legislation Services

PO BOX 3390

Window Rock, AZ, 86515

E: comments@navajo-nsn.gov

Dear Executive Director,

My name is Cheyenne Antonio, a member of the Navajo Nation, the oldest of five brothers and sister, and a student from Pueblo Pintado, New Mexico. I write this letter in OPPOSITION to fracking on the Navajo Nation. The reason why I'm in opposition is because of fracking happens within Eastern Navajo already. The Bureau of Land Management agreed to 100 exploratory oil drilling wells that stretches out to Dzil-Na-oh-Dlii and Dinetah. Two years ago a cloud of methane was detected by NASA from the flares of the oil wells in this area. Majority of these lands that are being heavily fracked by multi-billion dollar companies and lands are owned by BLM and a mixture of private and tribal owners. Although BLM owns much of the land that is being fracked, the land has Navajo residents that reside there. The oil wells are within the community and minutes away from schools and homeowners, there has been times where a drill would explode and Lybrook Elementary School being right over a hill, would have to immediately send students home so they won't be exposed to the hazardous gas. Since the oil industry began to build and transport oil, crimes and deaths rates have risen. I feel like the Nation does not know what they're putting their people into. Fracking causes cancers and our water to be polluted with methane and more violence caused by non-natives moving in and taking our jobs. BLM has already agreed to fracking and majority of the oil workers are non-native, and we have seen high numbers of cancers within our communities. A health assessment has yet to be done from fracking in Eastern Navajo. There is so much needed in the community from governing entities that has yet to happen. Tribal communities and communities in general from across the United States already know what fracking consists of and how fracking completely ruins our water systems and health.

Saddle Butte Midstream an oil and natural gas corporation based out of Denver has introduced to the Bureau of Land Management a 130 mi long pipeline called the Pinion Pipeline that will effect private property and tribal lands. The pipeline will start from Lybrook, New Mexico and end in Prewitt, New Mexico. Saddle Butte is asking to place this pipeline to transfer crude oil

quicker from Lybrook, NM to Prewitt, NM. This pipeline route is designed to transfer 15,000 barrels of oil per day from Lybrook, NM. This pipeline also destroys the significance of Chaco Canyon and aquifers within this region, there is already fracking happening surrounding Chaco Canyon that has yet to be discussed with the Navajo Nation Council. Fracking comes with so much violence among the community that there is already so much violence happening now. There are no hospitals, reliable stores or police sub-stations within Counselor, Lybrook, Torreon, Pueblo Pintado and Standing Rock. Fracking from corporations is a result of environmental racism in aiming for impoverished communities. I come from Eastern Navajo and the traffic from gas industries is ridiculous, my family is slowly being diagnosed with cancer, and the violence towards women and children is unexplainable. So I ask to please OPPOSE FRACKING because the struggle is real and I do not want my future children to suffer from having contaminated water. Protect my future.

Fracking by the Numbers and how it damages our Earth resource:

<http://www.environmentamerica.org/sites/environment/files/reports/Fracking%20by%20the%20Numbers%20vUS.pdf>

In struggle,
Cheyenne Antonio

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0121-16

SPONSOR: Honorable Jonathan L. Hale

TITLE: An Action Relating To Health, Education And Human Services, Resources And Development; Naabik'iyati' Committees; Opposing Hydraulic Fracturing Within The Navajo Nation.

Posted: April 13, 2016 at 1:38 PM

5 DAY Comment Period Ended: April 18, 2016

Digital Comments received:

Comments Supporting (1)	1. Navajo Utah Commission of the Navajo Nation Council; Resolution No. NUCAPR-677-16.
Comments Opposing	<i>None</i>
Inclusive Comments	<i>None</i>

(Signature)

**Executive Director
Office of Legislative Services**

5/10/2016 - 8:40 AM

Date/Time



RESOLUTION OF THE
NAVAJO UTAH COMMISSION
OF THE NAVAJO NATION COUNCIL

NUCAPR-677-16

REQUESTING THE NAVAJO NATION COUNCIL TO OPPOSE HYDRAULIC
FRACTURING UTILIZED IN THE PETROLEUM INDUSTRY AND TO ESTABLISH
TRIBAL LAWS PROHIBITING THIS PRACTICE ON THE NAVAJO NATION.

Whereas:

1. The Navajo Utah Commission (NUC) is a governmental subdivision of the Navajo Nation and is subject to oversight of the Navajo Nation Council - Naabik'iyat'i' Committee pursuant to resolution no. NABIAP-21-15; and
2. The petroleum industry has a huge presence on the Navajo Nation within the Greater Aneth Oilfield and has witnessed vast extraction of oil and gas since the 1950's; and
3. The decline and depletion of oil reserves have forced the industry to explore new technology to extract every last drop of oil and have settled on hydraulic fracking as a new recovery technique; and
4. Hydraulic fracturing or fracking is a process for drilling oil and gas from rock formation far underground utilizing injection of pressurized liquid to break up formation to enhance recovery; and
5. Hydraulic fracking involves pumping a mixture of water, sand, and chemicals into the ground to break apart the bedrock with the chemicals containing a variety of toxics including lead, uranium, mercury, ethylene glycol, radium, methanol, and formaldehyde; and
6. The companies are currently not required to disclose the chemicals or formula utilized, and is largely disturbing due to absence of rules and regulations on the Navajo Nation; and
7. The hydraulic fracking process increases the potential for environmental endangerment impact, depletion of water supply, and un-natural stress of the earth; and
8. The Navajo Nation Council has a responsibility to protect and preserve Navajo Nation lands and resources including legislative rulemaking to govern or prohibit hydraulic fracturing on the Navajo Nation.

Page 02 of 02

Resolution no. NUCAPR-677-16

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Utah Commission is hereby requesting the Navajo Nation Council to oppose hydraulic fracturing utilized in the petroleum industry and to establish tribal laws prohibiting this practice on the Navajo Nation.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by Navajo Utah Commission at a duly called meeting in Monument Valley, Utah at which a quorum was present and the same was passed by a vote of 5 in favor, 0 opposed, and 0 abstentions, this 15th day of April, 2016.



Alfred Jim, Vice-Chairperson
NAVAJO UTAH COMMISSION

MOTION: Herman Farley
SECOND: Brenda Brown

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0121-16

SPONSOR: Honorable Jonathan L. Hale

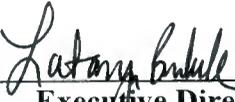
TITLE: An Action Relating To Health, Education And Human Services, Resources And Development; Naabik'iyati' Committees; Opposing Hydraulic Fracturing Within The Navajo Nation.

Posted: April 13, 2016 at 1:38 PM

5 DAY Comment Period Ended: April 18, 2016

Digital Comments received:

Comments Supporting (2)	<ol style="list-style-type: none"> 1. <i>EdMiles Harvey</i> 2. <i>Dine Medicine Men's Association, Inc.</i> 3. <i>Mario Atencio</i>
Comments Opposing	<i>None</i>
Inclusive Comments	<i>None</i>



 Executive Director
 Office of Legislative Services

1/10/17 1:48pm

 Date/Time

EdMiles Harvey
Union Way NE Apt# 1203
Albuquerque, New Mexico 87107

September 29, 2016

Johnathan Hale
Chairperson Health, Education and I
Committee of the 23'd Navajo Nation
PO Box 3390
Window Rock, Arizona 86515
CALL: 928.871.7254
FAX: 928.871.7259

J. Hale
Fracking
0121-14

Dear Johnathan Hale:

I am a concerned, registered voter of the Navajo Nation. Currently, I am a senior seeking my Bachelors of Science degree with a focus in geography at the University of New Mexico in Albuquerque, New Mexico. Recently, I obtained my Associates of Applied Sciences degree with a focus in Geology from Mesalands Community College. As an aspiring geographer for the Navajo Nation I want to express my concerns for the hydraulic fracturing situation. I grew up tending to livestock with my family, and we continue to live off the land, providing for our family and community, as best as we can. Our water is extremely essential to our small local communities, because of how vital the water is to sustain a life on the reservation. Some wind mills nearby our family ranch are already shut off because they are already contaminated by uranium from fossil fuels. Once our fresh water from our underground aquifers is contaminated, the contaminated water is no longer useful. Fresh water is limited and cannot be fixed once overly polluted. There are three major risks at hand when dealing with hydraulic fracturing: polluting the environment, hazardous toxins exposed to the public health, and major water contamination in our aquifers.

Hydraulic fracturing requires a hole to be drilled at depths that range from six to eight-thousand feet, about a mile or two into the dense, compressed shale layer. Once the drill head meets the shale layer, the drill curves itself (shifts to a horizontal direction). This method is called horizontal drilling and this drilling method reaches distances up to six thousand feet, horizontally. About every fifty to hundred feet in this horizontal pipe, explosives are placed within the pipe, to crack open layers surrounding the pipe while relieving the tension within the shale layer. Then, a mixture of water, dirt, and chemicals are then blasted at high pressure within the cracks. The built-up pressure forces the natural gas to burst out and thus creates wider cracks

Johnathan Hale
September 29, 2016
Page 2

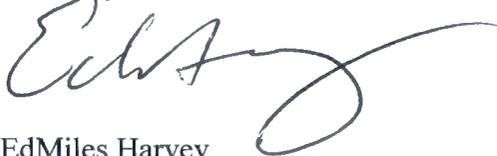
that reach further distances inside the layer. The process of hydraulic fracturing requires anywhere between one-hundred thousand gallons of water to four-hundred thousand gallons of water, about several thousand tons of sand, and approximately twelve chemical additives which can be formed into seven-hundred different types of mixed chemical combinations, used for fracking. Many of these chemical combinations lead to major health risks! Health risks such as: birth defects, lung cancer, breast cancer, and many more diseases that are destructive to humans.

The chemicals used to retrieve these gases are put to further use; these fluids are pumped back inside natural gas wells along with cement in order to seal the natural gas well. Ongoing leaking of flammable gas, such as, methane, finds newer ways to ooze out of the layer and up to the surface. Many of the chemicals used, travels to the surface, as well, where the water table lies along with fresh water aquifers underneath our feet, with may become heavily polluted. Every chemical settles down and disburse to neighboring rock layers contaminating water resources inside those rock layers. The fracturing process from start to finish lasts several months but the continuation of leaking natural gas does not stop within the fractured layers that lie underneath the top soil.

Natural gas is used for industrial and heating purposes. You cannot drive anywhere on methane. Methane is greenhouse gas; methane evaporates to the atmosphere and causes the atmosphere to decay quicker. Natural gas is toxic petroleum, once it is leaked in nearby wells it has the potential to wipe out nearby wildlife. To name a few, the fossil fuel includes: benzene, ethylbenzene, toluene, and xylene, or better known as, kerosene and diesel fuel. What if fracking polluted the water source in your home? Every time you turn on a water faucet for a decent sip of water you would most likely smell gas. Would you drink it? Issues like this are now long lasting for some residents in the United States and I would be very disappointed if families on the Navajo reservation were exposed to this situation.

I know hydraulic fracturing seems like a great technology, and a source to boost the economy. but just think, there are safer alternatives. Fracking leads to widespread toxic contaminations and public hazards. Industries have started the process of fracking; however, they have not taken the time to study the impacts of fracking that will devastate future generations. Is money worth the lives of Dine people? Can we Navajos be bought again? Overall, thank you for utilizing your political power to oppose oil and gas fracking industries from operating on the Navajo Nation, you are the voice for many Dine who have the same concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'EdMiles Harvey', with a large, sweeping flourish extending to the right.

EdMiles Harvey



Diné Medicine Men's Association, Inc.

DINE' BI NAHAGHA' YEE DA' HOTA'

P.O. Box 368

GALLUP, NEW MEXICO 87305

RESOLUTION

THE DINE' MEDICINE MEN ASSOCIATION, INC. HEREBY PRESENTS THIS RESOLUTION TO SUPPORT THE DINE' AND THE EASTERN NAVAJO AGENCY TO DISCONTINUE THE FRACKING AND DRILLING OF THE 31 CHAPTERS. THE OIL COMPANIES THAT ARE VIOLATING THE COMMUNITY MEMBERS RIGHTS BY DEVELOPING FRACKING AND DRILLING WITHOUT PRIOR NOTIFICATION WITH THE MEMBERS IN THE ABOVE AREA. THE FRACKING AND DRILLING IMPEDES THE LIFE STYLE OF THE DINE' COMMUNITY MEMBERS WHERE ALL THE SACRED SITES ARE LOCATED.

WHEREAS:

- 1. The Dine' Medicine Men's Association, Inc. is a non-profit organization incorporated with Navajo Nation Commerce and has been in existence since the early 1970s. The Association consists of members from the grass-roots level of traditional spiritual leaders (hataalii, cultural educators and traditionalists, and holds a sacred trust from the Holy people as a Dine' Way of Life; and**
- 2. On Dine' tah and the Eastern Navajo Agency of 31 Chapters There documented historic sacred sites recorded at the Navajo Nation Historic Preservation Office. Diné traditional stories (Hane') are documented as being related to the Emergence, the White Shell Woman, the Water Monster and the Sacred Mountains Offering sites. To the Dine' people, The sacred sites exist to Perpetuate Life, and are revered through offering of prayers for the wellness of self, families and relatives on their land and in their communities; and**
- 3. The Dine' Medicine Men's Association as Medicine People of the Navajo Nation do hereby take a defensive position against Fracking and Drilling and further development by the Oil Companies in and around the Dine' tah in the Eastern Navajo Agency's 31 Chapters; and**
- 4. The Dine' community members are spiritually and emotionally threatened by the outsiders who do not understand the significance of what is sacred to the indigenous people who are called Dine' altse' kee hatiinii, first inhabitants of Dine' land before the arrival of the European colonizers. It is believed by many of our Dine' people that the Fracking and Drilling business is leading to damage and further extinction of the Dine' Way of life; and**
- 5. Under some important expressions of international law and policy, including the United Nations Declaration Rights of the Indigenous Peoples (which the Navajo Nation helped develop and officially supported), Indigenous Peoples have the rights to: (1) protect and have**

private access to their sacred places (Article 12); (2) strengthen their spiritual relationships with traditionally used lands (Article 25); and (3) determine their own development priorities and strategies through free, prior, and informed consent (Article 32); and

6. Under current laws, rules, and regulations, the U.S. Bureau of Indian Affairs, the U.S. Bureau of Land Management, The State of New Mexico Department of Energy, Minerals, and Natural Resources Oil Conservation Division, and the Navajo Nation Historic Preservation Division should have individually and collectively notified the Dine' Medicine Men's Association, Inc. and the Eastern Navajo Agency of 31 Chapters of the proximity to sacred sites in Dine' tah of the Fracking and Drilling locations. As well, these governmental agencies should have performed the inspections, hearings, and investigations required of them under the laws of due process and equal protection.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Dine' Medicine Men's Association, Inc. supports the Dine' tah and Eastern Navajo Agency 31 Chapters' request to stop the Fracking and Drilling that is desecrating, defiling, and despoiling the sacred sites in and around the area of the Dine' tah and in and on the Eastern Navajo Agency Chapters.
2. The Oil Companies' business development is threatening further extinction of the Dine' Way of Life by bringing disharmony to the spirits on the sacred sites, and that development impedes the rights of the traditional members to make their ceremonial offerings at the sacred sites and where the sacred Herbs grow and are picked for healing.
3. The Medicine People as leaders, are ethically and justly obligated to protect, serve, and heal with ceremonies, and to protect their people from all harm and danger on the Dine' land (Dine' Bikeya). As such leaders, the Medicine People demand that the BIA, the BLM, the New Mexico State OCD, the New Mexico Counties and the New Mexico and Navajo Nation Historic Preservation Departments perform the duties required of them by law to assist the Eastern Navajo Agency of 31 Chapters in safeguarding our sacred sites and Dine' way of life.
4. Therefore, let it be known that we, the members of the Dine' Medicine Men's Association are taking the position that there must be an immediate and permanent moratorium issued against all further extractive activities by commercial or government energy entities in and around Dine' tah and the Eastern Navajo Agency of 31 Chapters; and we, as Medicine People take this stance to safe guard the sacred sites with our prayers for our present and future generations.

C E R T I F I C A T E

We hereby certify that the foregoing resolution of the Dine' Medicine Men's Association, Inc., was duly considered by the Association and Board of Directors at a duly called meeting at Huerfano Mesa, Dzilth-na-o-dith-hle New Mexico, at which a

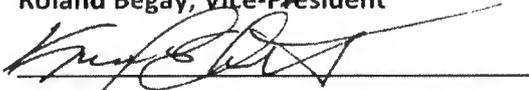
quorum was present, and that the same was approved by the vote of 26 in favor, -0- Opposed and -0- Abstained on the 11th day of October 2015..

Motioned by Bruce Chavez, BOD

Seconded by Etta Arviso, BOD


Johnson Dennison, President


Roland Begay, Vice-President


Virginia L. Edgewater, Secretary/Treasurer

June 29, 2016

Navajo Nation Council
P.O. Box 3390
Window Rock, Arizona 86515

Re: In Support of Legislation 0121-16

Dear Honorable Council Delegate,

The far eastern community of Counselor, NM (Bilágáana Sneez) with a population of approximately 450 is a part of Dinétah. The people are dual citizens of the Navajo Nation and the United States. This community lies northeast of the Chaco Culture U.S. National Historic Park. The people there are protectors of that land and they are under attack from oil and gas development. The latest technology is horizontal drilling that utilizes intense hydraulic fracturing or "fracking" to release oil from the Mancos Shale body that Counselor lies on top of.

This fracking utilizes numerous chemicals that are toxic and dangerous. This process is currently not regulated by the vaunted U.S. Safe Drinking Water Act and the Clean Air Act. It behooves any elected, non-elected, and spiritual leader to take note of the immense impact this "new" technology will have on the Counselor community's environmental and human health.

In recent meetings, our Navajo Nation Community Health Representative has informally told a group of concerned citizens that there has been at least 13 new documented cancer cases in the community. The thirteen new cases are significant because that represents about 3 percent of the community's population and does not include existing and past cancer cases, which would increase that percentage.

Although we still need more health research and data regarding fracking in Eastern Navajo, the facts remain that the people of the Counselor see a growing public health crisis and there needs to be a public inquiry by both Navajo and Non-Navajo leaders as to the potential effects that unregulated oil and gas development will have on the Counselor environment and the community.

Sincerely,

Mario Atencio
Spokesman for Allottee Paul Atencio, Sr.
PO Box 1268
Cuba, NM 87013
505.321.9974

Committee Report

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to who has been assigned;

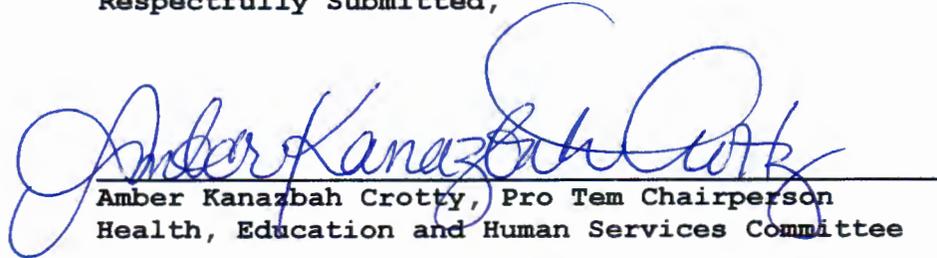
LEGISLATION NO. 0121-16

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT; NAABIK'IYATI' COMMITTEES; OPPOSING HYDRAULIC FRACTURING WITHIN THE NAVAJO NATION

Has had under consideration and report the same with the recommendation that Legislation 0121-16 PASS with no amendment and no directive;

And therefore referred the same to the RESOURCES AND DEVELOPMENT COMMITTEE OF THE NAVAJO NATION COUNCIL

Respectfully Submitted,


Amber Kanazbah Crotty, Pro Tem Chairperson
Health, Education and Human Services Committee

Dated: May 16, 2016

Main Motion

Motion by: Honorable Nelson BeGaye

Seconded by: Honorable Herman Daniels, Jr.

Vote: 3 in favor; 0 Opposed and 1 Abstain

Pro Tem Chairperson not voting

**RESOURCES AND DEVELOPMENT COMMITTEE
23rd NAVAJO NATION COUNCIL**

SECOND YEAR 2016

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

Legislation # 0121-16: An Action Relating to Health, Education and Human Services, Resources and Development; Naabik'Iyati Committees; Opposing Hydraulic Fracturing within the Navajo Nation. *Sponsor: Honorable Jonathan L. Hale.*

Has had it under consideration and report the same that the Sponsor requested he will hold this in abeyance until after analysis and research conducted on the environmental health and other related concerns.

And thereafter the matter will be placed on hold.

Respectfully submitted,



Alton Joe Shepherd, Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Date: June 7, 2016

No Motion required, Committee Report submitted for legislative recordkeeping purposes.